



# Senate

General Assembly

**File No. 261**

February Session, 2006

Substitute Senate Bill No. 193

*Senate, March 31, 2006*

The Committee on Environment reported through SEN. FINCH of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT CONCERNING THE SULFUR CONTENT OF HOME HEATING OIL AND OFF-ROAD DIESEL FUEL.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16a-21a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The amount of [sulphur] sulfur content of the following fuels  
4 sold, offered for sale, distributed or used in this state shall not exceed  
5 the following percentages by weight: (1) For number two heating oil,  
6 three-tenths of one per cent, and (2) for number two off-road diesel  
7 fuel, three-tenths of one per cent.

8 (b) Except as provided in subsection (d) of this section, as of the date  
9 on which the last of the states of New York, Massachusetts and Rhode  
10 Island limit the sulfur content of number two heating oil to one  
11 thousand five hundred parts per million, the sulfur content of number  
12 two heating oil sold, offered for sale, distributed or used in this state  
13 shall not exceed one thousand five hundred parts per million.

14     (c) Except as provided in subsection (d) of this section, as of the date  
 15     on which the last of the states of New York, Massachusetts and Rhode  
 16     Island limit the sulfur content of number two heating oil to one  
 17     thousand two hundred fifty parts per million, the sulfur content of  
 18     number two heating oil sold, offered for sale, distributed or used in  
 19     this state shall not exceed one thousand two hundred fifty parts per  
 20     million.

21     (d) As of the date on which the last of the states of New York,  
 22     Massachusetts and Rhode Island limit the sulfur content of number  
 23     two heating oil to five hundred parts per million, but not later than  
 24     January 1, 2010, the sulfur content of number two heating oil sold,  
 25     offered for sale, distributed or used in this state shall not exceed five  
 26     hundred parts per million.

27     (e) On and after June 1, 2010, the sulfur content of number two off-  
 28     road diesel fuel sold, offered for sale, distributed or used in this state  
 29     shall not exceed five hundred parts per million.

30     [(b)] (f) The Commissioner of Environmental Protection may  
 31     suspend the requirements of [subsection (a)] subsections (a) to (e),  
 32     inclusive of this section if [he] the commissioner finds that the physical  
 33     availability of fuel which complies with such requirements is  
 34     inadequate to meet the needs of residential, commercial or industrial  
 35     users in this state and that such inadequate physical availability  
 36     constitutes an emergency provided [he] the commissioner shall specify  
 37     in writing the period of time such suspension shall be in effect.

This act shall take effect as follows and shall amend the following sections:		
Section 1	from passage	16a-21a

**ENV**     Joint Favorable Subst.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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### ***OFA Fiscal Note***

#### ***State Impact:***

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 07 \$</b>	<b>FY 08 \$</b>
Various State Agencies	Various - Cost	Potential Indeterminate	Potential Indeterminate

#### ***Municipal Impact:***

<b>Municipalities</b>	<b>Effect</b>	<b>FY 07 \$</b>	<b>FY 08 \$</b>
Various Municipalities	Cost	Potential Indeterminate	Potential Indeterminate

### ***Explanation***

The bill requires the state to reduce the maximum sulfur content of home heating oil in conjunction with similar reductions by New York, Massachusetts and Rhode Island on or by June 1, 2010. The bill also requires the state to reduce the sulfur content of off-road diesel fuel starting June 1, 2010. The state and municipal fiscal impact is uncertain because the cost differential between the lower sulfur fuels, which could be influenced by the implementation of federal standards or if other states require such standards. Any potential costs are uncertain at this time.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis**  
**sSB 193*****AN ACT CONCERNING THE SULFUR CONTENT OF HOME HEATING OIL AND OFF-ROAD DIESEL FUEL.*****SUMMARY:**

This bill requires Connecticut to reduce the maximum sulfur content in number two heating oil to 1,500 parts per million (ppm) if and when New York, Massachusetts and Rhode Island do, and to further reduce it to 1,250 ppm and 500 ppm if and when those states do the same. The Connecticut limit will take effect on the latest effective date of the other states' laws. But the bill also requires Connecticut to ban the sale, offering for sale, distribution, or use of number two heating oil with a sulfur content exceeding 500 ppm, by January 1, 2010, regardless of what the other states do.

It also bans the sale, offering for sale, distribution, or use of number two off-road diesel fuel with a sulfur content higher than 500 ppm starting June 1, 2010. But federal regulations, which generally supersede state requirements, require off-road diesel fuel to have a sulfur content no higher than 15 ppm starting in June 2010 (see BACKGROUND).

Under current law, no one may use number two heating oil or number two off-road diesel fuel with a sulfur percentage of more than 0.3% by weight (3000 ppm). The bill also bars anyone from selling, offering for sale, or distributing such fuels, effective on passage.

Current law allows the environmental protection commissioner to suspend the sulfur content limits if she finds there is not enough fuel available to meet the needs of residential, commercial, or industrial users. The bill specifies that she may suspend these limits if she finds there is not enough fuel physically available. As under current law, she

also must find that such a shortage constitutes an emergency and specify the length of the suspension in writing.

EFFECTIVE DATE: Upon passage

## **BACKGROUND**

### ***Off-Road Diesel Fuel***

Off-road fuel is used by bulldozers, tractors, locomotives, portable generators, forklifts, airport service equipment, and other machinery and vehicles used in construction, agriculture, and industry.

### ***Sulfur Content of Diesel Fuel***

U. S. Environmental Protection Agency (EPA) regulations (40 CFR 9, 69, et al, June 29, 2004) call for reducing the sulfur content of diesel fuel for off-road vehicles to 500 ppm beginning in June 2007, and to 15 ppm in June 2010. EPA has not set sulfur limits on home heating oil.

## **COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea    26    Nay   0    (03/10/2006)